



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, Maryland 20910

SEP 23 1997

Mr. Bernard Shanks  
State of Washington  
Department of Fish and Wildlife  
600 Capitol Way N.  
Olympia, Washington 98504-3138

Dear Mr. Shanks:

This is to advise you that the National Marine Fisheries Service (NMFS) has extended the State's authorization for lethal removal of California sea lions in the Lake Washington Ship Canal to June 30, 2001. All of the other terms and conditions of the authorization remain the same.

This letter will serve as the Letter of Authorization under Section 120 of the Marine Mammal Protection Act for the lethal removal of individually identifiable "predatory" California sea lions in the Lake Washington Ship Canal. This letter supersedes the previous authorizations issued on January 4, 1995, March 16, 1996, and June 13, 1997. This authorization for lethal removal is valid, if and only if, the State is in compliance with the following ten terms and conditions.

1. Non-lethal deterrence efforts, such as acoustic deterrence, must be attempted prior to lethal removal. If an "acoustic barrier" is implemented, other means of non-lethal deterrence, such as underwater firecrackers, should be attempted on sea lions that enter and forage in the ensonified area.
2. Only "predatory" California sea lions may be lethally removed. A "predatory" sea lion is an individually identified sea lion (i.e., one bearing a brand mark, dart tag, flipper tags or other distinguishable natural marks) that:
  - a) has been observed by biologists monitoring sea lion predation to have preyed on returning steelhead in the inner bay area of the Lake Washington Ship Canal (upstream of the railroad bridge); and
  - b) has penetrated the acoustic barrier and has been observed foraging in the ensonified zone during the steelhead run since January 1, 1994 (when the acoustic deterrence program began); and

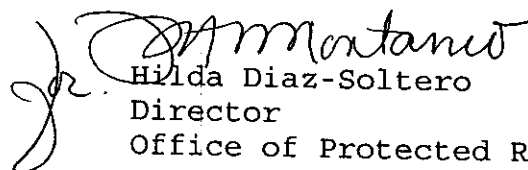


- c) is observed engaging in foraging behavior in the inner bay area (upstream of the railroad bridge) during the current steelhead season between January 1 and May 31 by biologists monitoring sea lion predation at the Locks.
- 3. Lethal removal of sea lions is authorized only if the State determines that the target animal meets the "predatory" sea lion definition, and the State obtains concurrence with such determination from the NMFS Northwest Regional Director.
- 4. Lethal removal of "predatory" sea lions is authorized from January 1 through May 31. The State shall report any lethal takings under this authorization to the NMFS Northwest Regional Director within 48 hours following implementation of the lethal action.
- 5. Active capture methods utilizing tangle nets and potential use of drugs, which may result in sea lion mortality, are authorized for use only on "predatory" sea lions.
- 6. The State will convene an Animal Care Committee (ACC) to provide recommendations on the handling of the sea lions.
  - a. The ACC membership is 1) to consist of veterinarians, marine mammal caretakers, and federal and State marine mammal biologists, and 2) to be approved by the NMFS Northwest Regional Director.
  - b. The ACC shall review active capture protocols and make recommendations on the procedures and use of any drugs.
  - c. The ACC shall develop protocols for euthanizing sea lions.
- 7. "Predatory" sea lions that are identified for lethal removal are to be euthanized using protocols developed by the ACC. Nevertheless, the State shall provide sea lions captured for lethal removal to an Indian tribe with treaty rights to harvest marine mammals in the Lake Washington Ship Canal that requests the animals for subsistence use. In that circumstance, the State shall allow the tribe to dispatch the animal in a humane manner that allows for subsistence use.

8. If 15 sea lions are lethally removed under this authorization, lethal removal must cease, and NMFS will immediately reconvene the Task Force for the purpose of evaluating the effectiveness of the measures implemented and making recommendations on further actions.
9. This authorization may be modified or revoked by NMFS based on Task Force recommendations under Condition (8) above.
10. This authorization is valid until June 30, 2001, although it may be modified as needed.
  - a. On September 1 of each year that this authorization is valid, the State must submit a report on the efforts undertaken to reduce predation, its compliance with the conditions in this authorization, and how the State will comply with the conditions in the following year. The report also must describe progress on longer term efforts being undertaken by the State to address recovery of winter steelhead.
  - b. Pursuant to 16 U.S.C. 1389(c)(5), after receipt of the report, NMFS will ask the Task Force to evaluate the State's report and the effectiveness of any lethal take and the alternative actions. NMFS will consider the report, the Task Force recommendations, and the considerations set out in 16 U.S.C. 1389, and may modify or extend the authorization and conditions for the following year, or revoke the authorization for lethal take.

NMFS looks forward to working cooperatively with the State, as we have in the past, on implementing measures needed to protect steelhead from sea lion predation at the Locks. Please contact Joe Scordino, NMFS Northwest Regional Office, at (206) 526-6150 if you have any questions on this authorization.

Sincerely,

  
Hilda Diaz-Soltero  
Director  
Office of Protected Resources